

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
AUG 15 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
80.00 Acres of Land, More or)
Less, Situate in Washington)
County, State of Oklahoma,)
and Vera A. Harper, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 74-C-465

Tract No. 116

J U D G M E N T

1.

NOW, on this 15th day of August, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on June 30, 1975, and the Court after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate condemned in Tract No. 116, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause, who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property

described above in paragraph 2. Pursuant thereto, on November 21, 1974, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on June 30, 1975, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the estate taken in subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

The defendant named in paragraph 12 as owner of the estate taken in subject tract is the only defendant asserting any interest in such estate. All other defendants having either disclaimed or defaulted, the named defendant is (as of the date of taking) the owner of the estate condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority

to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of November 21, 1974, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the estate taken herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for such estate is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on June 30, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of the subject property, as shown by the following schedule:

TRACT NO. 116

Owner: Vera A. Harper

Award of just compensation pursuant to Commissioners' Report -----	\$5,066.00	\$5,066.00
Deposited as estimated compensation	480.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$5,066.00 plus interest
Deposit deficiency -----	\$4,586.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount of \$4,586.00, together with interest on such deficiency at the rate of 6% per annum from November 21, 1974, until the date of

deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

After such deficiency deposit has been made, the Clerk of this Court shall disburse the entire sum then on deposit for the subject tract to Vera A. Harper.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW

HUBERT A. MARLOW
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 15 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

GEORGE SHARP, as father and)
next friend of RONALD GEORGE)
SHARP, a Minor; and GEORGE)
SHARP, individually,)
Plaintiff,)

NO. 74-C-473

vs.)

COMMERCIAL UNION INSURANCE)
COMPANY,)
Defendant.)

ORDER OF DISMISSAL

ON this 15 day of August, 1975, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiff filed herein against the defendant be and the same hereby is dismissed with prejudice to any future action.

Allen E. Barnau

JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVALS:

W. FRED PHILLIPS and
H. CORKY BISHOP

By: *H. Corky Bishop*

Attorneys for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight
Attorney for the Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 14 1975

United States of America,)
)
Plaintiff,)
)
vs.)
)
573.30 Acres of Land, More)
or Less, Situate in Osage)
County, State of Oklahoma,)
and Mabelle Kennedy, et al.,)
and Unknown Owners,)
)
Defendants.)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 74-C-130

Tracts Nos. 203-1, 203-3,
203E-2, 203E-3, 203E-6,
203E-7, 203E-8, 203E-9,
203E-11 and 203E-12

J U D G M E N T

1.

NOW, on this 14 day of August, 1975, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in

paragraph 2 herein. Pursuant thereto, on March 4, 1974, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of certain estates in subject tracts, a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown below in paragraph 12. Such named defendants are the only persons asserting any interest in the estates taken in such tracts. All other persons having either disclaimed or defaulted, such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the estates taken in the subject tracts and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the estates taken in subject tracts and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 12.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described in such Complaint, are condemned and title thereto is vested in the United States of America, as of March 4, 1974, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim to such estates.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the estates taken herein in these tracts is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estates condemned in subject tracts as follows:

TRACTS NOS. 203-1, 203-3,
203E-2, 203E-3, 203E-6,
203E-7, 203E-8, 203E-9,
203E-11 and 203E-12

Owners: Mabelle Kennedy, Matthew J. Kane, and
Edmund T. Kennedy, as Trustees of the
Estate of Ed. T. Kennedy, deceased.

Subject to ad valorem taxes due to Osage
County, Oklahoma in the amount of \$76.17.

Award of just compensation pursuant to Stipulation -----	\$195,000.00	\$195,000.00
Deposited as estimated compensation --	\$128,300.00	
Disbursed to owners:		
To Trustees -----	\$128,223.83	
To Osage Co. Treas. -----	76.17	
Total -----		<u>\$128,300.00</u>
Balance due to owners -----		\$ 66,700.00
Deposit deficiency -----	\$ 66,700.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tracts, the deficiency sum of \$66,700.00, and the Clerk of this Court then shall disburse, from the deposit in this case, to

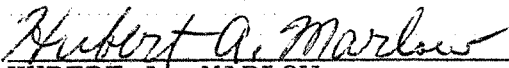
Mabelle Kennedy, Matthew J. Kane, and

Edmund T. Kennedy, as Trustees of the

Estate of Ed. T. Kennedy, deceased --- \$66,700.00.


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 14 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
30.00 Acres of Land, More or)
Less, Situate in Washington)
County, State of Oklahoma, and)
Earl Frenchman, Administrator)
of the Estate of Ernest)
Frenchman, deceased, et al.,)
)
Defendants.)

CIVIL ACTION NO. 75-C-145 ✓

Tract No. 122

J U D G M E N T

1.

NOW, on this 13th day of August, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 122, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause, who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on April 16,

1975, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 12.

7.

The parties hereto have advised the Court that the subject property, as of the date of taking, was owned of record by one Ernest Frenchman, Halfblood Cherokee, No. M-1034A, and that the land was held in a restricted status. However, Ernest Frenchman, as of the date of taking, was deceased. Letters of administration of his estate have been issued by the District Court of Washington County, Oklahoma, to one Earl Frenchman. Said Administrator has been authorized by order of said court to negotiate with the Plaintiff and settle the subject civil action.

After due deliberation the Administrator has decided to settle this case for the amount deposited as estimated compensation when the case was filed and has evidenced his intention by a letter from his attorney, Mr. Bruce W. Robinett, to the Plaintiff's attorney, asking him to take whatever steps are necessary to conclude this case based upon an award of \$7,050.00.

The Plaintiff is agreeable to settlement of the case for \$7,050.00, but because of the restricted status of the subject property is doubtful that the Administrator has the authority to settle the case by stipulation. Plaintiff, therefore, has delivered to the Court copies of its appraisal reports covering the subject property, to-wit: (1) Surface Appraisal prepared by Mr. William E. Farrell, Army staff appraiser, and (2) Mineral Appraisal prepared by Mr. H. E. Cobb, Jr., independent contract appraiser. Plaintiff also has furnished the Court a copy of the

letter by Mr. Robinett offering to settle this case for the amount of the deposit. Plaintiff further has advised the Court that the Bureau of Indian Affairs has caused an appraisal of the subject property to be made by its staff appraiser and that his appraisal agrees with that offered by Plaintiff. Plaintiff has requested the Court to examine its appraisal reports and make a finding as to value of the subject property based upon such reports and the other facts outlined above.

8.

The Court has considered the facts as set forth above in paragraph 7. The Court has read and considered both the letter to Plaintiff written by counsel for the Administrator of the Ernest Frenchman estate and the appraisal reports made by Mr. Farrell and Mr. Cobb. Said reports appear to be realistic and the final conclusions as to value stated by the appraisers are adequately supported by documented sales of similar property. The Court, therefore, finds that the fair market value of the subject property on the date of taking by the Plaintiff, was \$7,050.00, and that such sum should be adopted as the award of just compensation in this case.

9.

Earl Frenchman, Administrator of the Estate of Ernest Frenchman, deceased, is the only defendant asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendant is the owner of such property, as of the date of taking and, as such, is entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of April 16, 1975, and all defendants herein and all other persons are forever

barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owner of the subject property was the defendant whose name appears below in the schedule set forth in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in said owner.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$7,050.00, hereby is adopted as the award of just compensation for the estate taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 122

Owner:

Earl Frenchman, Administrator of the
Estate of Ernest Frenchman, deceased,
(Halfblood Cherokee M-1034A, restricted).

Award of just compensation pursuant to Court's findings -----	\$7,050.00	\$7,050.00
Deposited as estimated compensation -	<u>\$7,050.00</u>	
Disbursed to owner -----		<u>\$7,050.00</u>

S/H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW

HUBERT A. MARLOW
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

PATRICIA ROSE THOMPSON, Now
SWEET,

Plaintiff,

-vs-

JON C. THOMPSON, Master Sgt.,
United States Air Force Retired,
Serial Number 444-32-1662,

Defendant,

and,

THE UNITED STATES OF AMERICA,

Garnishee.

No. 75-C-258

FILED

AUG 13 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER TO DISMISS

It appearing to the satisfaction of this Court that all matters in controversy have been compromised by and between the parties as evidenced by the signatures of their attorneys on the Stipulation filed herein, it is ordered, adjudged and decreed that the plaintiff's suit be, and the same is hereby dismissed. Costs shall be borne by the respective parties.



Dale Cook, Judge of the United States District
Court for the Northern District of Oklahoma

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SAMMY RISENHOOVER,)
)
Petitioner,)
)
v.) No. 75-C-320
)
UNITED STATES OF AMERICA,)
EDWARD LEVI, as Attorney)
General of the United States,)
MAURICE SIGLER, Parole Board,)
)
Respondents.)

FILED

AUG 12 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

The above-named petitioner has filed in forma pauperis with leave of court an "Application for Release from Custody under 28 U.S.C. 2255; for Habeas Corpus, 28 U.S.C. 1651; for Injunctive Relief". His prayer requests the court to:

1. Appoint him counsel for this proceeding;
2. Enjoin the defendant Maurice Sigler and the United States Board of Parole from refusing to consider petitioner for parole during the pendency of this proceeding;
3. Adjudge the unconstitutionality of 28 U.S.C. § 2255 and the Federal Rules of Criminal Procedure as a limitation upon petitioner's right to habeas corpus;
4. Release him upon recognizance during the pendency of this proceeding;
5. Vacate and set aside his conviction and sentence in this court in Case No. 74-CR-74 because of an allegedly defective indictment and ineffective assistance of counsel;
6. Expunge from all records all reference to petitioner's name, identification and alleged participation in criminal activity;
7. Award money damages for his allegedly illegal confinement.

The application is wholly without merit or substance. The constitutionality of Section 2255 has long been upheld. Barrett v. Hunter, 180 F.2d 510 (CA10 1950), cert. denied, 340 U.S. 897, 95 L.Ed. 650. Its scope is as broad as habeas corpus. Sanders v. United States, 373 U.S. 1, 83 S.Ct. 1068, 10 L.Ed. 2d 148 (1963). It is, however,

not a substitute for appeal. Carillo v. United States, 332 F.2d 202 (CA10 1964). It compasses only those matters which may be raised by collateral attack. United States v. Kelley, 269 F.2d 448 (CA10 1959). It is the general rule that the sufficiency of an indictment cannot be challenged in a collateral proceeding. Barnes v. Hunter, 188 F.2d 186 (CA10 1951). See also Payton v. United States, 436 F.2d 575 (CA10 1970).

Here the petitioner asserts that the indictment charging an offense under Title 21, United States Code Section 846 was deficient because it referred to "marijuana" without alleging the particular species defined in 21 U.S.C. § 802(15). The basis for his argument was considered and rejected by the court in United States v. Ludwig, 508 F.2d 140, 142 (CA10 1974):

"The keystone of this argument is, of course, that there are three distinct species of plants known collectively as marihuana; that Congress intended to criminalize only one species of marihuana; and that a contrary interpretation of the pertinent sections would leave the average citizen without sufficient notice of the activity sought to be prohibited. This same argument has been made in numerous cases and has been uniformly rejected. Thus, in United States v. King, 10 Cir., 485 F2 353, we referred approvingly to United States v. Moore, 3 Cir., 446 F2 448, cert. denied, 406 U.S. 909, where it was noted that

[m]arihuana, a term of Mexican origin, is the dried leaves and flowering tops of a plant species commonly known as hemp. Botanically, the hemp plant is called *Cannabis sativa* L. There is only one species of this plant. Leary v. United States, 395 U.S. 6, 50 However, because of the difference in soil content and climatic conditions, the plant grown in various parts of the world is not physically the same. . . . *Cannabis indica* is the name given to *Cannabis sativa* L. grown in India.

446 F2 at 450. Accord, United States v. Gaines, 5 Cir., 489 F2 690; and United States v. Rothberg, 2 Cir., 480 F2 534, cert. denied, 414 U.S. 856, wherein the court countenanced the possibility that *Cannabis* is botanically polytypal but rejected defendant's argument nonetheless."

In this collateral proceeding we certainly cannot say that the indictment fails under any reasonable construction to charge the offense for which sentence was imposed. Byers v. United States, 175 F.2d 654 (CA10 1949). See also Martinez v. United States, 216 F.2d 760 (CA10 1954). Neither can we say that this indictment attempts to charge a non-existent federal offense nor that it affirmatively

appears on its face that no federal offense was committed, as would be necessary to entitle petitioner to relief herein. Barnes v. Hunter, supra. See also Kreuter v. United States, 201 F.2d 33 (CA10 1952); Smith v. United States, 205 F.2d 768 (CA10 1953). "Given a practical common sense construction" the indictment here meets the test of sufficiency on this Section 2255 Motion as it "can reasonably be said to inform the defendant of the charge against him, so that he can prepare his defense thereto and plead the judgment as a bar to further proceedings against him for the same offense." Martin v. United States, 285 F.2d 151 (CA10 1962). We conclude, as did the court in Charley v. United States, 303 F.2d 512, 513 (CA10 1962):

"And, where, as here, the trial court has jurisdiction of the offense and the accused, and the indictment apparently attempts to charge that offense, the sufficiency of the indictment is not subject to collateral attack by a motion under Section 2255."

The fallacy of petitioner's correlative complaint that his counsel was ineffective because he did not pursue this frivolous defense theory at trial is thus apparent. Further whatever criticism the petitioner may now have concerning retained counsel's failure to inform him of the progress of his appeal and to furnish him the transcript and appellate briefs for his use in the preparation of this application does not render his conviction infirm. Counsel retained by him must be his own responsibility. Plaskett v. Page, 439 F.2d 770 (CA10 1971). As stated in Lorraine v. United States, 444 F.2d 1, 2 (CA10 1971):

"The burden on an appellant to establish a claim of ineffective assistance is heavy and neither hindsight nor success is the measure. Ellis v. Oklahoma, 430 F.2d 1352 (10th Cir. 1970). It does not mean victorious or flawless counsel. Brady v. United States, 433 F.2d 924 (10th Cir. 1970). The representation must have been such as to make the trial a mockery, sham, or farce, Basker v. Crouse, 426 F.2d 531 (10th Cir. 1970), or resulted in the deprivation of constitutional rights. Kienlen v. United States, 379 F.2d 20 (10th Cir. 1967); Criser v. United States, 319 F.2d 849 (10th Cir. 1963). The instant allegations do not meet these tests."

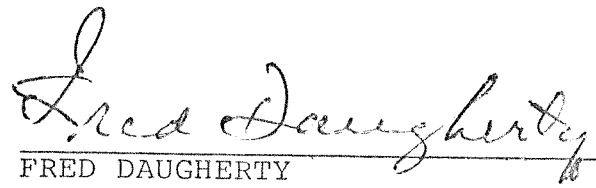
Having (determined on the merits that the petitioner is not entitled to have his judgment of conviction vacated, it follows that

the other relief pendente lite or ancillary to his substantive complaint is neither necessary or appropriate.

Accordingly the (application will be dismissed and the petitioner will not be permitted leave to proceed in forma pauperis on appeal) as an appeal would be frivolous and not taken in good faith to which the court hereby certifies as required by 28 U.S.C. § 1915(a).

IT IS SO ORDERED.

Dated this 12th day of August, 1975.


FRED DAUGHERTY
UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

AUG 12 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.) CIVIL ACTION NO. 75-C-156
)
)
JOHN SPENCER and RAY F. BIERY)
and DONALD H. GALLEMORE d/b/a)
LINCOLN PROPERTY COMPANY a/k/a)
LA MANCHA,)
)
Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 11th
day of August, 1975, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; the Defendant, Ray F. Biery
and Donald H. Gallemore d/b/a Lincoln Property Company a/k/a
La Mancha, appearing by its attorney, Wendell Clark; and the
Defendant, John Spencer, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendant, John Spencer, was served
by publication, as appears from the Proof of Publication filed
herein, and that Ray F. Biery and Donald H. Gallemore d/b/a
Lincoln Property Company a/k/a La Mancha, was served with Summons
and Complaint on April 23, 1975, as appears from the United
States Marshals Service herein.

It appearing that Defendant, Ray F. Biery and Donald H.
Gallemore d/b/a Lincoln Property Company a/k/a La Mancha, has
duly filed its Disclaimer herein on May 5, 1975, that Defendant,
John Spencer, has failed to answer herein and that default
has been entered by the Clerk of this Court.

The Court further finds that this is a suit based
upon a mortgage note and foreclosure on a real property mortgage
securing said mortgage note and that the following described
real property is located in Tulsa County, Oklahoma, within
the Northern Judicial District of Oklahoma:

Lot Seventeen (17), Block Nineteen (19),
VALLEY VIEW ACRES ADDITION to the City of
Tulsa, Tulsa County, Oklahoma, according
to the recorded plat thereof.

THAT the Defendant, John Spencer, did, on the 30th day of June, 1973, execute and deliver to the Administrator of Veterans Affairs, his mortgage and mortgage note in the sum of \$10,500.00 with 4 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendant, John Spencer, made default under the terms of the aforesaid mortgage note by reason of his failure to make monthly installments due thereon for more than ten months last past, which default has continued and that by reason thereof the above-named Defendant is now indebted to the Plaintiff in the sum of \$10,301.86 as unpaid principal with interest thereon at the rate of 4 1/2 percent per annum from October 1, 1974, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendant, John Spencer, in rem, for the sum of \$10, 301.86 with interest thereon at the rate of 4 1/2 percent per annum from October 1, 1974, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendant to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.


United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney

FILED

AUG 12 1975

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.) CIVIL ACTION NO. 75-C-130
)
)
ARNELL B. HUTTON, MARY L.)
HUTTON, BERNICE FIELDS,)
and BELL FINANCE COMPANY,)
INCORPORATED,)
)
Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 11th
day of August, 1975, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the Defendants, Arnell B.
Hutton, Mary L. Hutton, Bernice Fields, and Bell Finance Company,
Incorporated, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, Bernice Fields and Bell
Finance Company were served with Summons and Complaint on
April 14, 1975; that Defendant, Mary L. Hutton, was served
with Summons and Complaint on May 7, 1975, all as appears
from the United States Marshals Service herein; and that Defen-
dant, Arnell B. Hutton, was served by publication, as appears
from the Proof of Publication filed herein.

It appearing that the said Defendants have failed
to answer herein and that default has been entered by the Clerk
of this Court.

The Court further finds that this is a suit based
upon a mortgage note and foreclosure on a real property mortgage
securing said mortgage note and that the following described
real property is located in Tulsa County, Oklahoma, within
the Northern Judicial District of Oklahoma:

Lot Twelve (12), Block Four (4), SUBURBAN
ACRES FOURTH ADDITION to the City of Tulsa,
Tulsa County, State of Oklahoma, according
to the recorded plat thereof.

THAT the Defendants, Arnell B. Hutton and Mary L. Hutton, did, on the 26th day of April, 1974, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$8,000.00 with 8 1/4 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Arnell B. Hutton and Mary L. Hutton, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$8,035.98 as unpaid principal with interest thereon at the rate of 8 1/4 percent per annum from July 1, 1974, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, Arnell B. Hutton, in rem, and Mary L. Hutton, in personam, for the sum of \$8,035.98 with interest thereon at the rate of 8 1/4 percent per annum from July 1, 1974, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment, in rem, against Defendants, Bernice Fields and Bell Finance Company, Incorporated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma,

commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.



United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney

FILED
AUG 12 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	CIVIL ACTION NO. 75-C-46
)	
)	
ARTHUR LEE BAKER a/k/a ARTHUR)	
L. BAKER, ELAINE BAKER, THOMAS)	
E. YELDELL, TIME FINANCE COMPANY,)	
and NATIONAL BANK OF TULSA,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 11th
day of August, 1975, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; the Defendant, National Bank
of Tulsa, appearing by its attorney, Harry A. Lentz, Jr.; and
the Defendants, Arthur Lee Baker a/k/a Arthur L. Baker, Elaine
Baker, Thomas E. Yeldell, and Time Finance Company, appearing
not.

The Court being fully advised and having examined
the file herein finds that Defendants, Arthur Lee Baker and
Elaine Baker, were served by publication, as appears from the
Proof of Publication filed herein; that Defendant, Thomas E.
Yeldell, was served with Summons, Complaint, and Amendment to
Complaint on February 6, 1975, and February 25, 1975, respectively;
and that Defendants, Time Finance Company and National Bank of
Tulsa, were served with Summons, Complaint, and Amendment to
Complaint on February 20, 1975, all as appears from the United
States Marshals Service herein.

It appearing that Defendant, National Bank of Tulsa,
has duly filed its Answer and Cross-Petition herein on March 13,
1975, that Defendants, Arthur Lee Baker, Elaine Baker, Thomas E.
Yeldell, and Time Finance Company, have failed to answer herein
and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Thirteen (13), Block Seven (7), SUBURBAN ACRES ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded amended plat thereof.

THAT the Defendants, Arthur Lee Baker and Elaine Baker, did, on the 22nd day of March, 1974, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,500.00 with 8 1/4 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Arthur Lee Baker and Elaine Baker, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$9,542.00 as unpaid principal with interest thereon at the rate of 8 1/4 percent per annum from April 1, 1974, until paid, plus the cost of this action accrued and accruing.

The Court further finds that Defendant, National Bank of Tulsa, is entitled to judgment against Defendant, Arthur Lee Baker, in the amount of \$1,682.39, plus 10 percent interest per annum from January 23, 1975, plus \$560.00 attorney's fee, plus costs accrued and accruing, but that such judgment would be subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, Arthur Lee Baker and Elaine Baker, in rem, for the sum of \$9,542.00 with interest thereon at the rate of 8 1/4 percent per annum from April 1, 1974, plus the cost of this action accrued and accruing,

plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant, National Bank of Tulsa, have and recover judgment, in rem, against Defendant, Arthur Lee Baker, in the amount of \$1,682.39, plus 10 percent interest per annum from January 23, 1975, plus \$560.00 attorney's fee, plus costs accrued and accruing, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment, in rem, against Defendants, Thomas E. Yeldell and Time Finance Company.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney



HARRY A. LENTZ, JR.
Attorney for Defendant and
Cross-Petitioner, the
National Bank of Tulsa

bcs

8-17-75
FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

AUG 12 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIVIL ACTION NO. 75-C-60

BOBBY R. BENTON, JOSEPHINE H.
BENTON, COUNTY TREASURER, OSAGE
COUNTY, and BOARD OF COUNTY
COMMISSIONERS, OSAGE COUNTY,

Defendants.

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 12th
day of August, 1975, the Plaintiff appearing by Robert
P. Santee, Assistant United States Attorney; the Defendants,
County Treasurer, Osage County, and Board of County Commissioners,
Osage County, appearing by Harvey Payne, Assistant District
Attorney; and the Defendants, Bobby R. Benton and Josephine H.
Benton, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, County Treasurer, Osage
County, and Board of County Commissioners, Osage County, were
served with Summons and Complaint on February 19, 1975; that
Defendant, Josephine H. Benton, was served with Summons and
Complaint on March 21, 1975, all as appears from the United
States Marshals Service herein; and that Defendant, Bobby R.
Benton, was served by publication, as appears from the Proof
of Publication filed herein.

It appearing that Defendants, County Treasurer, Osage
County, and Board of County Commissioners, have duly filed their
Answer herein on March 12, 1975, that Defendants, Bobby R. Benton
and Josephine H. Benton, have failed to answer herein and
that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based
upon a mortgage note and foreclosure on a real property mortgage

securing said mortgage note and that the following described real property is located in Osage County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Four (4), Block Two (2), COUNTRY CLUB HEIGHTS, an Addition to Tulsa, Osage County, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendants, Bobby R. Benton and Josephine H. Benton, did, on the 3rd day of April, 1973, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$12,000.00 with 7 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Bobby R. Benton and Josephine H. Benton, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$11,914.76 as unpaid principal with interest thereon at the rate of 7 1/2 percent per annum from April 1, 1974, until paid, plus the cost of this action accrued and accruing.

The Court further finds that there is due and owing to the County of Osage, State of Oklahoma, from Defendants, Bobby R. Benton and Josephine H. Benton, the sum of \$3.79 plus interest according to law for personal property taxes for the year 1974 and that Osage County should have judgment, in rem, for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, Bobby R. Benton, in rem, and Josephine H. Benton, in personam, for the sum of \$11,914.76 with interest thereon at the rate of 7 1/2 percent per annum from April 1, 1974, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure

action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Osage have and recover judgment, in rem, against Defendants, Bobby R. Benton and Josephine H. Benton, for the sum of \$3.79 as of the date of this judgment plus interest thereafter according to law for personal property taxes, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.

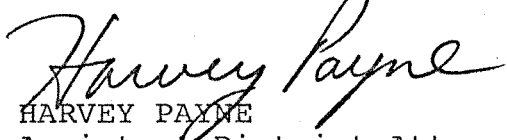


United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney



HARVEY PAYNE
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Osage County

bcs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
40.00 Acres of Land, More or)
Less, Situate in Washington)
County, State of Oklahoma,)
and Heirs of Ruth Doye, et)
al., and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 73-C-258

Tract No. 106

FILED

AUG 11 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 11th day of August, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on June 30, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate taken in Tract No. 106, as such estate and tract are described in the Complaint filed in this case.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on August 7, 1973, the United States

of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract, a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on June 30, 1975, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the estate taken in subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tract are the only defendants asserting any interest in such estate. All other defendants having either disclaimed or defaulted, the named defendants were (as of the date of taking), the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent

of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of August 7, 1973, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such estate is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on June 30, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, and such award is allocated among the various interests as shown by the following schedule:

TRACT NO. 106

Owners:

Robert Doye -----	1/6
Paul Doye -----	1/6
Joe Doye -----	1/6
Lucille Johnson -----	1/6
John Doye -----	1/6
Max Doye -----	1/6

Award of just compensation pursuant to Commissioners' Report -----	\$16,750.00	\$16,750.00
Deposited as estimated compensation --	7,650.00	
Disbursed to owners (1/6 to each owner) -----		<u>7,650.00</u>
Balance due to owners (1/6 to each owner) -----		\$ 9,100.00
Deposit deficiency -----	\$ 9,100.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount of \$9,100.00, together with interest on such deficiency at the

rate of 6% per annum from August 7, 1973, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To each owner as shown in paragraph 12 above,
one-sixth (1/6) of the said deposit.



UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
43.85 Acres of Land, More or)
Less, Situate in Washington)
County, State of Oklahoma,)
and Heirs of Ruth Doye, et)
al., and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 73-C-259

Tract No. 117

FILED

AUG 11 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 11th day of August, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on June 30, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate taken in Tract No. 117, as such estate and tract are described in the Complaint filed in this case.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on August 7, 1973, the United States

of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract, a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on June 30, 1975, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the estate taken in subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tract are the only defendants asserting any interest in such estate. All other defendants having either disclaimed or defaulted, the named defendants were (as of the date of taking), the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as it is described

in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of August 7, 1973, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such estate is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on June 30, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, and such award is allocated among the various interests as shown by the following schedule:

TRACT NO. 117

Owners:

Robert Doye -----	1/6
Paul Doye -----	1/6
Joe Doye -----	1/6
Lucille Johnson -----	1/6
John Doye -----	1/6
Max Doye -----	1/6

Award of just compensation pursuant to Commissioners' Report -----	\$10,521.60	\$10,521.60
Deposited as estimated compensation --	6,825.00	
Disbursed to owners (1/6 to each owner) -----		<u>6,825.00</u>
Balance due to owners (1/6 to each owner) -----		\$ 3,696.60
Deposit deficiency -----	\$ 3,696.60	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 12, in the total amount

of \$3,696.60, together with interest on such deficiency at the rate of 6% per annum from August 7, 1973, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To each owner as shown in paragraph 12 above,
one-sixth (1/6) of the said deposit.


UNITED STATES DISTRICT JUDGE

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 73-C-260
)
43.85 Acres of Land, More or) Tract No. 117
Less, Situate in Washington)
County, State of Oklahoma,)
and Heirs of Ruth Doye, et)
al., and Unknown Owners,)
)
Defendants.)

FILED

AUG 11 1975

Jack C. Silver, Clerk
U.S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 11th day of August, 1975, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on June 30, 1975, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate taken in Tract No. 117, as such estate and tract are described in the Complaint filed in this case.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on August 7, 1973, the United States

of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract, a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on June 30, 1975, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 11.

8.

The defendants named as owners in paragraph 11 are the only defendants asserting any interest in the estate condemned herein. All other defendants having either disclaimed or defaulted, the named defendants were the owners as of the date of taking, of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

9.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of August 7, 1973, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estate taken

herein in subject tract were the defendants whose names appear below in paragraph 11, and the right to receive the just compensation for such estate is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed herein on June 30, 1975, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, and such award is allocated among the various interests as shown by the following schedule:

TRACT NO. 117

Owners:

Robert Doye -----	1/12
Paul Doye -----	1/12
Joe Doye -----	1/12
Lucille Johnson -----	1/12
John Doye -----	1/12
Max Doye -----	1/12
Ewing Halsell Foundation -----	1/2

Award of just compensation pursuant to Commissioners' Report -----	\$439.00	\$439.00
---	----------	----------

Deposited as estimated compensation ----	<u>439.00</u>
--	---------------

Disbursed to owners:

To Doyes -----	\$219.50
----------------	----------

To Halsell -----	<u>\$219.50</u>
------------------	-----------------

Total -----	<u>\$439.00</u>
-------------	-----------------



UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

BOARD OF TRUSTEES, PIPELINE)
INDUSTRY BENEFIT FUND,)
)
Plaintiff,)
)
vs.)
)
D. W. WINKELMAN CO, INC.)
)
Defendant.)
_____)

FILED
AUG 11 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

NO. C-75-225

ORDER OF DISMISSAL

NOW on this 11th day of August, 1975, Plaintiff's
Motion For Dismissal coming on for consideration and counsel
for Plaintiff herein representing and stating that all issues,
controversies, debts and liabilities between the parties have
been paid, settled and compromised.

IT IS THE ORDER OF THIS COURT that said action be, and
the same is, hereby dismissed without prejudice to the bringing
of another or future action by the Plaintiff herein.

H. DALE COOK
District Judge

FILED

AUG 11 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED AND
REFERRED

AUG 11 1975

At _____ M.
Jack C. Silver
Clerk, U. S. District Court

CHAMPLIN PETROLEUM COMPANY,
a corporation,

Plaintiff,

v.

JIMMY T. SMITH,

Defendant.

75-C-86

O R D E R

Upon the joint application of all the parties hereto, it is hereby ordered that this action, including the cause of action asserted by the defendant-intervenor, Smithco Oil Corporation, is hereby dismissed with prejudice against any and all further actions by the parties.

/s/ Allen E. Barrow
ALLEN E. BARROW
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,
vs.

CIVIL ACTION NO. 75-C-199 ✓

DONELL CHAPPELL, BETTY
CHAPPELL a/k/a BETTY JEAN
CHAPPELL, THE LOMAS AND
NETTLETON COMPANY, a
Corporation, and JOHN JARBOE,
Trustee of Bankrupt Estates
of Donell Chappell and Betty
Jean Chappell, 74-B-653,
Defendants.

FILED
AUG 8 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 8th
day of August, 1975, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; the Defendant, The Lomas and
Nettleton Company, a Corporation, appearing by Kenneth C. Dippel,
Vice President; and the Defendants, Donell Chappell, Betty
Chappell a/k/a Betty Jean Chappell, and John Jarboe, Trustee of
Bankrupt Estates of Donell Chappell and Betty Jean Chappell,
74-B-653, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, Donell Chappell and Betty
Chappell, were served with Summons and Complaint on June 20, 1975;
that Defendant, The Lomas and Nettleton Company, was served with
Summons and Complaint on May 22, 1975; and that Defendant, John
Jarboe, Trustee of Bankrupt Estates of Donell Chappell and Betty
Jean Chappell, 74-B-653, was served with Summons and Complaint
on May 27, 1975, all as appears from the United States Marshal's
Service herein.

It appearing that Defendant, The Lomas and Nettleton
Company, has duly filed its Disclaimer herein on May 27, 1975,
that Defendants, Donell Chappell, Betty Chappell, and John Jarboe,

Trustee of Bankrupt Estates of Donell Chappell and Betty Chappell, 74-B-653, have failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Ten (10), Block Forty-six (46), VALLEY VIEW ACRES SECOND ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendants, Donell Chappell and Betty Chappell, did, on the 1st day of October, 1971, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,250.00 with 7 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Donell Chappell and Betty Chappell, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$10,031.06 as unpaid principal with interest thereon at the rate of 7 1/2 percent per annum from July 1, 1974, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, Donell Chappell and Betty Chappell, in personam, for the sum of \$10,031.06 with interest thereon at the rate of 7 1/2 percent per annum from July 1, 1974, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment, in rem, against Defendant, John Jarboe, Trustee of Bankrupt Estates of Donell Chappell and Betty Jean Chappell, 74-B-653.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.


United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney

bcs

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
)
)
EDGAR G. FALKENSTEIN, MARGARET)
E. FALKENSTEIN, BOBBY JOE)
BRADFORD a/k/a BOBBY J. BRADFORD,)
MARY C. BRADFORD a/k/a MARY)
BRADFORD, GASTROENTEROLOGY)
ASSOCIATES, INC., a Corporation,)
NATIONWIDE FINANCIAL CORPORATION,)
a Corporation, and F. D. HENSHAW)
d/b/a HENSHAW'S USED FURNITURE)
COMPANY,)
)
Defendants.)

CIVIL ACTION NO. 75-C-198 ✓

FILED
AUG 8 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 8th
day of August, 1975, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; the Defendant, Gastroenterology
Associates, Inc., appearing by its attorney, William B. Lee; and
the Defendants, Edgar G. Falkenstein, Margaret E. Falkenstein,
Bobby Joe Bradford a/k/a Bobby J. Bradford, Mary C. Bradford
a/k/a Mary Bradford, Nationwide Financial Corporation, and F. D.
Henshaw d/b/a Henshaw's Used Furniture Company, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, Edgar G. Falkenstein and
Margaret E. Falkenstein, were served with Summons and Complaint
on May 22, 1975; that Defendants, Bobby Joe Bradford a/k/a Bobby J.
Bradford and Mary C. Bradford a/k/a Mary Bradford, were served
with Summons and Complaint on June 20, 1975; that Defendant,
Gastroenterology Associates, Inc., was served with Summons and
Complaint on May 21, 1975; and that Defendants, Nationwide Financial
Corporation and F. D. Henshaw d/b/a Henshaw's Used Furniture
Company, were served with Summons and Complaint on May 23, 1975,
all as appears from the United States Marshal's Service herein.

It appearing that Defendant, Gastroenterology Associates, Inc., has duly filed its Disclaimer herein on June 2, 1975, that Defendants, Edgar G. Falkenstein, Margaret E. Falkenstein, Bobby Joe Bradford a/k/a Bobby J. Bradford, Mary C. Bradford a/k/a Mary Bradford, Nationwide Financial Corporation, and F. D. Henshaw d/b/a Henshaw's Used Furniture Company, have failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Two (2), SUBURBAN HEIGHTS ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the Defendants, Edgar G. Falkenstein and Margaret E. Falkenstein, did, on the 13th day of November, 1967, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$6,950.00 with 6 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Bobby Joe Bradford and Mary C. Bradford, were the grantees in a deed from Defendants, Edgar G. Falkenstein and Margaret E. Falkenstein, dated and filed September 11, 1972, in Book 4033, Page 1876, records of Tulsa County, wherein Defendants, Bobby Joe Bradford and Mary C. Bradford, assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that Defendants, Edgar G. Falkenstein, Margaret E. Falkenstein, Bobby Joe Bradford, and Mary C. Bradford, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum

of \$6,346.50 as unpaid principal with interest thereon at the rate of 6 percent per annum from August 1, 1974, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, Edgar G. Falkenstein, Margaret E. Falkenstein, Bobby Joe Bradford, and Mary C. Bradford, in personam, for the sum of \$6,346.50 with interest thereon at the rate of 6 percent per annum from August 1, 1974, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment, in rem, against Defendants, Nationwide Financial Corporation and F. D. Henshaw d/b/a Henshaw's Used Furniture Company.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.


United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney

bcs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED
AUG 7 1975 *js*

SOUTHWESTERN BELL TELEPHONE
COMPANY, a corporation,

Plaintiff,

vs.

COMBUSTION ENGINEERING, INC.,
a corporation,

Defendant.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 75-C-308 ✓

NOTICE OF DISMISSAL

Comes now the Plaintiff, Southwestern Bell Telephone Company, and pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, states that the parties have entered into compromise and settlement of the captioned litigation, and Plaintiff, prior to service of an answer or motion for summary judgment by defendant, hereby files its Notice of Dismissal of the captioned lawsuit.

SOUTHWESTERN BELL TELEPHONE COMPANY

By

Carey Epps

O. CAREY EPPS, Its Attorney
707 North Robinson, Room 921
Oklahoma City, Oklahoma 73102
Telephone: 405/236-6751

CERTIFICATE

On this 6 day of August, 1975, a true and correct copy of the above and foregoing Notice of Dismissal was mailed, postage prepaid, to Eugene E. Madara, P. O. Box 1710, Tulsa, Oklahoma 74101, Attorney for Defendant herein.

Carey Epps

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Doris Somers,

Plaintiff,

v.

JOSEPH C. CALDWELL, JR.,
et al.,

Defendants.

No. 72-C-110

FILED

AUG 6 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Stipulation by and between the plaintiff and the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, dated August 1, 1975, it is this 6th day of August, 1975, ORDERED that:

1. The above-captioned action insofar as it is brought against the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, shall be and hereby is dismissed, with prejudice;

2. The clerk shall not tax the plaintiff or said defendants for each other's costs.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Becky D. Grimshaw,)
)
Plaintiff,)
)
v.)
)
Heidler Corporation, et al.,)
)
Defendants.)


No. 72-C-299

FILED
AUG 6 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

On consideration of the stipulation by and between the cross-claimants Heidler Corporation and Carousel Investment Corporation and the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, it is this 6th day of August, 1975 ordered that:

1. The cross-claims being asserted by Heidler Corporation and Carousel Investment Corporation against the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey shall be and are hereby dismissed, with prejudice.
2. The clerk shall not tax the parties for each other's costs.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Becky D. Grimshaw,

Plaintiff,

v.

Heidler Corporation, et al.,

Defendants.

No. 72-C-299

FILED

AUG 6 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Stipulation by and between the plaintiff and the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, dated August 1, 1975, it is this 6th day of August, 1975, ORDERED that:

1. The above-captioned action insofar as it is brought against the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, shall be and hereby is dismissed, with prejudice;

2. The clerk shall not tax the plaintiff or said defendants for each other's costs.

W. Dalebook
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

John E. Newkirk and
Ethel Mae Newkirk,

Plaintiffs,

v.

JOSEPH C. CALDWELL, JR.,
et al.,

Defendants.

No. 72-C-439 ✓

FILED
AUG 6 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Stipulation by and between the plaintiffs and the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, dated August 1, 1975, it is this 6th day of August, 1975, ORDERED that:

1. The above-captioned action insofar as it is brought against the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, shall be and hereby is dismissed, with prejudice;

2. The clerk shall not tax the plaintiffs or said defendants for each other's costs.

W. Dale Book
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

LESLIE W. McCOWN,)
)
Plaintiff,)
)
v.)
)
JOSEPH C. CALDWELL, JR., et al.,)
)
Defendants.)

72-C-376 ✓

FILED
AUG 6 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Stipulation by and between the cross-claimants Heidler Corporation and Carousel Investment Corporation and the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, it is this 4th day of August, 1975 ordered that:

1. The cross-claims being asserted by Heidler Corporation and Carousel Investment Corporation against the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey shall be and are hereby dismissed, with prejudice.
2. The clerk shall not tax the parties for each other's costs.

W. Dale Book

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Leslie W. McCown,

Plaintiff,

v.

JOSEPH C. CALDWELL, JR.,
et al.,

Defendants.

No. 72-C-376 ✓

FILED
AUG 6 1975 J.


Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

Upon consideration of the Stipulation by and between the plaintiff and the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, dated August 1, 1975, it is this 6th day of August, 1975, ORDERED that:

1. The above-captioned action insofar as it is brought against the defendants Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey, shall be and hereby is dismissed, with prejudice;

2. The clerk shall not tax the plaintiff or said defendants for each other's costs.


United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FLOYD ANSLEY and PHILLIPS
MACHINERY COMPANY, INC.,
an Oklahoma Corporation,

Plaintiffs,

vs.

C & H TRANSPORTATION COMPANY,
a Texas Corporation,

Defendant.

75-C-91 ✓

Aug. 5 1975

U.S. DISTRICT COURT
U.S. DEPARTMENT OF JUSTICE

ORDER GRANTING APPLICATION FOR DISMISSAL WITHOUT PRE-
JUDICE AND DISMISSING CAUSE OF ACTION
AND COMPLAINT

The Court has for consideration the Application for Dismissal Without Prejudice filed by the plaintiffs, the Affidavit in Response to Plaintiffs' Application for Dismissal filed by the defendant, the Memorandum in Support of Response Requesting Terms filed by the defendant, and, being fully advised in the premises, finds:

That defendant, in its Response, requested terms if said cause of action and complaint were dismissed without prejudice.

That the terms requested by defendant were expenses in the amount of \$650.30.

That John H. Tucker, attorney for defendant, advised the Court by telephone on the 5th day of August, 1975, that said plaintiffs had complied with said terms and had tendered John H. Tucker the sum of \$650.30 by check for said expenses.

IT IS, THEREFORE, ORDERED that said application be granted and said complaint and cause of action is hereby dismissed without prejudice.

ENTERED THIS 5th day of August, 1975.

Allen E. Bennett
CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

EARL ADAMS,

Plaintiff,

vs.

THE TRAVELERS INSURANCE
COMPANY, COASTAL CONTRACT
CARRIERS, a corporation, and
BURLYN JACKSON HOLLEY,

Defendants.

No. 75 C-7 ✓

FILED

AUG 5 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

After reviewing the file and record in this cause, the recommendation of the Magistrate is hereby approved and,

IT IS, THEREFORE, ORDERED that upon application of the plaintiff made in open court, this cause is hereby transferred to the United States District Court for the Central District of California with the motion of The Travelers Insurance Company to dismiss left in tact and not ruled upon and with the defendant Coastal Contract Carriers granted 20 days after the case is filed in the Central District of California to commence pleading.

The Clerk of the Court shall forward by mail a copy of this Order to each of the attorneys for the above named plaintiff and defendants.

Dated this 5th day of Aug., 1975.

Allen E. Barnett
CHIEF JUDGE, UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA.

APPROVED AS TO FORM:

Thomas M. Barrett
THOMAS M. BARRETT,
Attorney for Plaintiff.

Richard Carpenter
RICHARD CARPENTER, Attorney
for Defendant, The Travelers
Insurance Company.

United States District Court)
Northern District of Oklahoma) ss

I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

By W. Garrison
Deputy

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JERRY WILLIAM MISEK,)
)
Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA,)
SAM JOHNSTON, Acting Warden,)
et al.)
)
Respondents.)

NO. 74-C-80

FILED

AUG 4 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

By previous Order of this Court filed October 18, 1974, and issued by United States District Judge, Luther Bohanon, counsel for Petitioner was directed to confer with counsel for Respondent for the purpose of developing a list of witnesses for each side and preparing and submitting interrogatories and cross-interrogatories for the purpose of determining the competency of the Petitioner at the time of his guilty plea. Further, the opposing counsels were directed to promptly, in writing, notify the Court when this discovery was complete; whereupon the case would be considered as being submitted for determination and decision by the Court.


The Court is in receipt of such notification from the parties and will now consider the case on the merits. Petitioner has alleged that his plea of guilty was not a valid plea because he was under the influence of drugs at the time of his plea. It is well established that the Burden of Proof in Habeas Corpus proceeding is upon the petitioner. U.S. ex rel. Schuster v. Herold, 410 F.2d 1071 cert. denied 396 U.S. 847 (2nd Cir. 1969).

U.S. ex rel. Savage v. Rundle, 309 F.Supp. 450 (E.D.Pa. 1969). After close scrutiny of the interrogatories submitted on behalf of the Petitioner, the Court is unable to find any evidence to

substantiate Petitioner's claim that he was under the influence of drugs. Petitioner has failed to meet his burden of proof.

It is therefore Hereby Ordered and Decreed that the Petition for Writ of Habeas Corpus be Denied on this 4th day of

August, 1975.


H. DALE COOK
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jim Harris,

Plaintiff,

vs.

CIVIL ACTION NO. 75-C-150

Secretary of Defense

James R. Schlesinger; ,

Secretary of Army

Howard "Bo" Calloway;

Commander of Ft. Polk, Louisiana

General Haldane;

Captain Thomas Mancino,

Oklahoma National Guard,

Defendants.

FILED
AUG 4 1975
Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

Pursuant to Rule 58, Federal Rules of Civil Procedure, and the Court's Order dated June 16, 1975, judgment is hereby entered for the Defendants, Secretary of Defense James R. Schlesinger, Secretary of Army Howard "Bo" Calloway, Commander of Ft. Polk, Louisiana, General Haldane, and Captain Thomas Mancino, Oklahoma National Guard, and denied to Plaintiff, Jim Harris.

Dated this 1st day of ^{August} July, 1975.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MELVIN McDONALD and MARY T.
McDONALD,

Plaintiffs,

-vs-

J. S. LOVE & COMPANY, INC.
(formerly Love, Douglas &
Roberts, Inc.); A. G. EDWARDS &
SONS, INC.; A. C. HAYS; and
DUDLEY D. MORGAN, Jr.,

Defendants.

No. 71-C-259

FILED

AUG 1 1975

Jack C. Silver, Clerk
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1)(ii), Federal Rules of Civil Procedure, the Plaintiffs, Melvin McDonald and Mary T. McDonald, and the Defendant, A. G. Edwards & Sons, Inc., stipulate to the dismissal with prejudice of the above-captioned case as against A. G. Edwards & Sons, Inc., for the reason that the parties have settled all issues of the case arising between them.

HOLLIMAN, LANGHOLZ, RUNNELS
& DORWART

By Frederic Dorwart
Frederic Dorwart

Attorneys for Plaintiffs

ROSENSTEIN, FIST & RINGOLD

By A. F. Ringold
A. F. Ringold

Attorneys for Defendant,
A. G. Edwards & Sons, Inc.